

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION

Plaintiff,

vs.

ROBERT B. CROWE,

Defendant.

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Case No. 2:16-cv-00036-ALM-KAJ

District Judge: Algenon L. Marbley

Magistrate Judge: Kimberly A. Jolson

RULE 26(f) REPORT OF PARTIES

1. Pursuant to FRCP 26(f), meetings were held on April 22 and 26, 2016, attended by:

- Alyssa A. Qualls, counsel for plaintiff
- Daniel J. Hayes, counsel for plaintiff
- W. Stuart Dornette, counsel for defendant
- Celia M. Kilgard, counsel for defendant

2. Consent to Magistrate Judge. The parties do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636 (c).

3. Initial Disclosures.

- a. The SEC recommends that the parties exchange Rule 26(a)(1) disclosures by May 27, 2016.
- b. Mr. Crowe recommends that the parties will exchange the initial disclosures required by Rule 26(a)(1) within thirty (30) days after this Court rules on the pending Motion to Dismiss [ECF No. 6].

4. Jurisdiction and Venue.

- a. The SEC's position is that there are no contested issues relating to: (a) subject matter

jurisdiction, (b) personal jurisdiction and/or (c) venue.

- b. Mr. Crowe's position is that the Court lacks jurisdiction over this matter for reasons set forth in its pending motion to dismiss [ECF No. 6].

5. Issues Concerning Assertions of Privilege.

- a. The parties have agreed on a procedure to assert claims of privilege or protection from discovery after production, and the parties ask the Court to include their agreement in an Order entered pursuant to FRE 502(d). A copy of a proposed Order, which the parties have agreed to, is attached as Exhibit A.

- 6. Amendments to Pleading, Joinder of Parties, and Discovery Plan.** The parties recommend that, in light of the motion to dismiss [ECF No. 6] currently pending, the Court not enter a schedule setting deadlines for the amendment to pleadings, joinder of parties, or the completion of discovery. Instead, subject to the Court's approval, the parties will submit, if necessary, an amended Rule 26(f) Report within 14 days following the Court's ruling on the motion to dismiss.

/s/ Daniel J. Hayes (approved via email)

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